

**REPORT - PLANNING COMMISSION MEETING
December 11, 2003**

Project Name and Number: Convenience Store Addition (PLN2003-00206)

Applicant: Ahmad Mohazab, Tecta Associates

Proposal: A Minor Amendment to Planned District – P-65-9, to allow the conversion of the service bays and a 700 square foot addition to the existing 1,750 square foot building to be used as a convenience store as an accessory use to the existing gas station.

Recommended Action: Approve, based on findings and subject to conditions.

Location: 43250 Grimmer Boulevard in the Irvington Planning Area.

Assessor Parcel Number(s): 525-1655-055-00

Area: 0.61 acres

Owner: Masouo Amini

Agent of Applicant: Ahmad Mohazab, Tecta Associates

Consultant(s): N/A

Environmental Review: An Initial Study and Draft Negative Declaration was prepared and circulated for this project.

Existing General Plan: Study Area 3 with underlying Medium Density Residential (11-15 dwelling units per acre)

Existing Zoning: Planned District (P-65-9)

Existing Land Use: Service Station (gas pumps and convenience store)

Public Hearing Notice: Public hearing notification is applicable. A total of 129 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Mayfair Park Avenue, Mayfair Park Terrace, Doane Street, Montmartre Park Court, Montecarlo Park Court, Grimmer Terrace, Yellowstone Park Drive, Castle Park Court, and Regents Park Lane. The notices to owners and occupants were mailed on December 5, 2003. A Public Hearing Notice was delivered to The Argus on November 24, 2003 to be published by November 26, 2003.

Background and Previous Actions: The site is located on the northwest corner of Grimmer Boulevard and Doane Street. The site is part of Planned District P-65-9. This site has been used as a gas and service station facility since 1965. In 1997 the current owners purchased the service station and re-opened the facility as a gas station only, the service bays were closed. This site is on the State Hazardous Waste and Substance Site List. Appropriate mitigation measures are included in the Draft Negative Declaration to reduce potential impacts from hazardous materials, air quality and water quality to insignificant levels.

Project Description: The proposed project is an application for a Planned District Minor Amendment to upgrade and remodel the existing Valero Gas Station at the intersection of Doane Street and Grimmer Boulevard. The current station has 6 gas-dispensing pumps and a convenience store of approximately 500 square feet in size. The service bays (abandoned in 1997) are approximately 1,250 square feet in size and will be remodeled as part of the expanded convenience store. The project also includes an addition of approximately 700 square feet to the south elevation of the existing facility. The new convenience store is proposed to be 2,450 square feet in size. The project also involves remodel of the interior space, facade improvements, additional landscaping and re-location of parking spaces. The new convenience store/gas station is proposed to be open between the hours of 5:00 am to 11:00 pm daily.

Project Analysis:

- **General Plan Conformance:** The existing General Plan land use designation for the project site is Residential, Medium Density. The site is also designated as Study Area 3 on the General Plan land use map. Study Area 3 identifies a tentative land use as either Thoroughfare or Neighborhood Commercial. The existing commercial land use was established for the subject parcel as part of a larger Planned District (P-65-9) to serve the surrounding residential neighborhood. At that time, the Commission found that a General Plan Amendment was not needed because the proposed commercial land uses would serve the neighborhood and could be supported through the Planned District rezoning. The proposed project is consistent with the existing General Plan land use designation based upon prior determination that the land use was appropriate as part of this particular Planned District and because the current General Plan land use map identifies the property as a "Study Area 3" whereby thoroughfare or neighborhood commercial land use are deemed appropriate study alternatives. Staff further notes, that a General Plan Amendment, formally designating the site as a commercial site would be desirable, however, at this time, the City has not completed the required redesignations and rezonings to accommodate housing units needed in order to meet the City's regional housing needs and therefore, under Assembly Bill 2292, a redesignation of the site is not possible until sufficient sites have been rezoned to accommodate the housing needs of the City.
- **Zoning Regulations:** The site is zoned Planned District (P-65-9). The current and proposed use conforms to the site standards set forth in the zoning regulations pertaining to setbacks, lot coverage and height. Section 8-22141 of the Zoning provisions of the Fremont Municipal Code also lists special conditions that the gasoline service stations must meet. The proposed use conforms with these conditions as they relate to proximity to schools, goods and services offered, exterior sales and site design.

Parking: Per the City guidelines, service stations are required to have a minimum of five parking spaces. For convenience stores a parking requirement of 1 for each 200 square feet of floor area is required. In this case, twelve spaces would be required for the convenience store. Six parking spaces are proposed while twelve spaces are located at individual gas pumps. As such, the project meets parking number requirements.

- **Open Space/Landscaping:** The proposed remodel provides increased planter and landscaping islands. Thus, additional landscaping is proposed in the form of shrubs, groundcover and trees. New street landscaping is requested through this project to enhance the streetscape image at this visible corner. The additional trees will extend the cohesiveness of the Doane Street and Grimmer Boulevard landscape.

New and existing lighting shall be directed so it does not spill onto adjacent properties. (Condition A-8).

Circulation/Access Analysis: Access to the project site is provided by a driveway located on Doane Street, and two (2) access points on Grimmer Boulevard. Driveway access to the site from Grimmer Boulevard is limited to right turn movements only, due to an existing median island. No changes/modifications are proposed to the various driveways through this project.

The frontage along both Doane Street and Grimmer Boulevard has been fully dedicated/improved and therefore, no improvements/modification are required as a result of this application.

Design Analysis:

- **Architecture:** The existing building design will be upgraded to accommodate the expanded convenience store use. The building materials and color palette will be maintained with the remodel. The rooflines and wall finishes will also be maintained. The building is rectangular with a clay tile gable roof. The front facade consists of stucco, tile and new aluminum storefront windows. The side exterior consists of tile and stucco while the rear consists of stucco.

- **Landscaping:** Landscaping will be upgraded through the remodel of the building and site. Additional landscape planters will be provided and planted with various shrubs, groundcover and trees. In addition, the existing landscaping provides a pleasant manicured look. The existing trees to remain provide a valuable component to this corner. The new trees will fill in the gaps of the landscaping where noted, at Doane Street and Grimmer Boulevard.
- **View Impacts:** The site is located within a developed urban area surrounded by residential uses. The residential uses located to the rear and side of the gas station are buffered by a 6-foot high screen wall.

Grading & Topography: The project site is relatively flat. Minimal earthwork will be needed to construct the proposed improvements.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System Permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The developer will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board. Conditions of approval are included in Exhibit "B" to reflect this requirement.

Applicable Fees:

- **Development Impact Fees:** The proposed addition to the convenience store will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. These fees shall be calculated at the fee rate in effect at the time of building permit issuance.

Waste Management: This project involves retail and service use and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. An existing trash enclosure is currently located on site, which can service the expanded convenience store.

Environmental Analysis: An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The 20-day review period for these environmental documents started on October 20, 2003 and concluded on November 10, 2003. The Draft Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. A more detailed description of the potential impacts is provided within the Initial Study for this project, which is included as an enclosure.

A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission.

The Initial Study conducted for the project has evaluated the potential for this project to cause an adverse effect – either individually or cumulatively – on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after the project approval, as required by Public resources Code section 21089 (see attachment to Draft Negative Declaration). The certificate of fee Exemption allows the project to be exempt from the review fee and environmental review by the California Department of Fish and Game.

Response from Agencies and Organizations: No responses from any agencies were received.

Enclosures: Exhibit "A" (Site Plan, Floor Plan, Elevations, Landscape Plan)
Exhibit "B" (Findings and Conditions of Approval)
Initial Study and Draft Mitigated Negative Declaration.

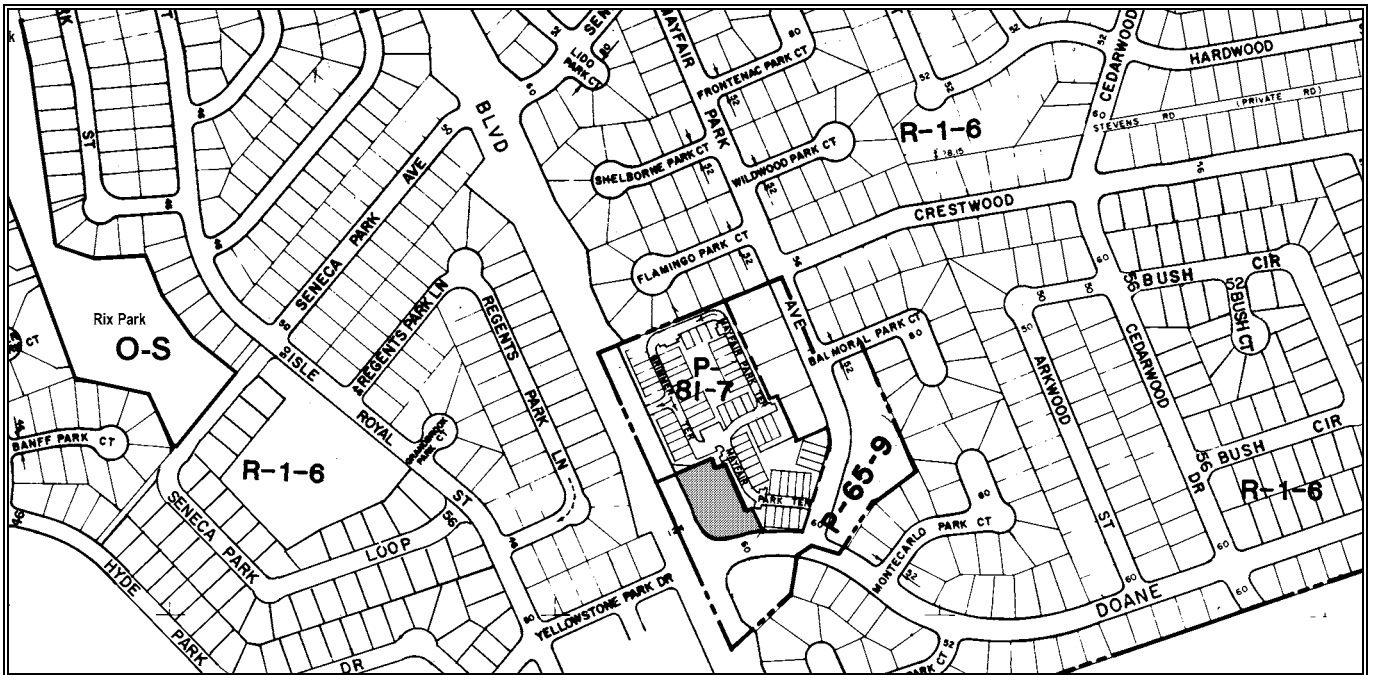
Mitigation Monitoring Plan

Exhibits: Exhibit "A" (Site Plan, Floor Plan, Elevations, landscape Plan)
 Exhibit "B" (Findings and Conditions of Approval)

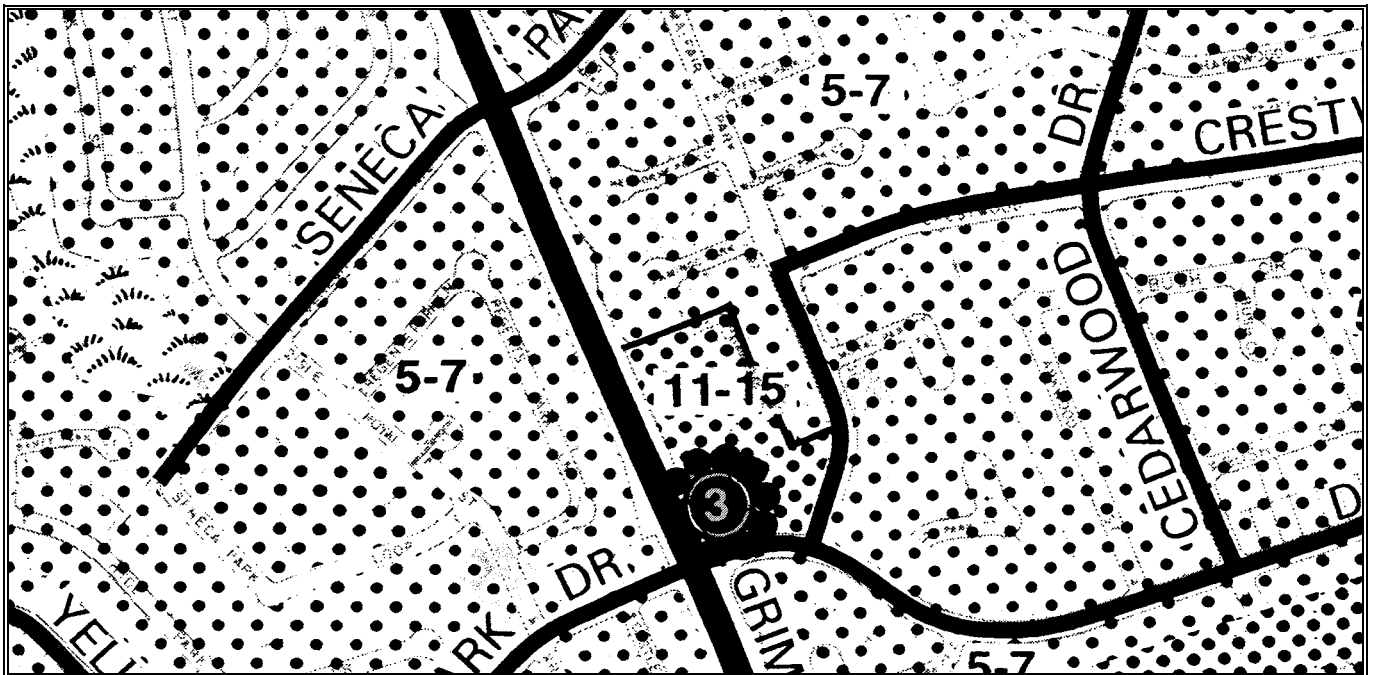
Recommended Actions:

1. Hold public hearing.
2. Find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Adopt a Mitigated Negative Declaration and Certificate of Fee Exemption and find it reflects the independent judgement of the City of Fremont.
4. Approve the Mitigation Monitoring plan for this project.
5. Find PLN2003-00206 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan Land Use Chapter and for the reasons enumerated within the staff report.
6. Approve PLN2003-00206, as shown on Exhibit "A", subject to findings and conditions on Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan



**EXHIBIT "B" Findings and Conditions of Approval for
PLN2003-00206
Tecta Associates – Convenience Store Addition - 43250 Grimmer Boulevard**

FINDINGS FOR APPROVAL:

The findings below are made on the basis of information contained in the staff report to the Planning Commission dated December 11, 2003, and the information from the public hearing on December 11, 2003, incorporated herein.

1. The site is suitable and adequate for the proposed expansion of the convenience store and is in conformance with the General Plan of the City of Fremont. Additionally, the site is located adjacent to an arterial roadway and is easily accessible to the general public.
2. The proposed expansion of the convenience store would not have a substantial adverse effect on traffic circulation, the planned capacity of the street system or other public facilities or services because sufficient parking is provided, points of ingress-egress are properly located, right-of-way improvements are in place, and adequate fire fighting equipment access and facilities are available.
3. The proposed expansion of the convenience store would not have a substantial adverse economic effect on nearby uses because the convenience store is currently permitted within the Planned District and its hours of activity should not conflict with those of the surrounding uses, due to the location of the six-foot high screen wall and design of the site.
4. The proposed expansion of the convenience store would not have a substantial adverse impact on the general welfare of City of Fremont because the project is designed in a manner to be compatible with the surrounding uses, and would not create nuisances or degrade the environment.
5. The design of the project is compatible with the existing development because the renovations are designed to match and upgrade the existing facility.
6. All public improvements or facilities required as a part of this approval are directly attributable to the proposed development, and are required for reasons related to public health, safety and welfare.

CONDITIONS OF APPROVAL:

- A-1. The project shall conform to Exhibit "A" (Site Plan, Elevations, Landscape Plan). Any requested change to the approved materials and colors shall be submitted to staff for review and approval. Material samples and colors shall be submitted with a written description of the requested changes.
- A-2. Plans shall be submitted to the Development Organization for review to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-3. To address issues associated with the potential presence of petroleum-contaminated soils, the following mitigation measures should be incorporated into the project:
 - The prime contractor awarded the construction work will be required to have State Hazardous Substance Removal Certification in addition to their State Contractor's License.
 - During excavation work, the applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site

development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development

- Any excavation material that is of a suspicious nature will be stockpiled on-site; samples will be taken by the consultant and tested for the presence of contaminants. Any excavated material that does not meet the requirements of the responsible regulatory agencies will be hauled off-site to an approved landfill. Any materials that meet the requirements of the regulatory agencies will be placed back in the work area and/or disposed off-site to a normal disposal/recycling facility.
 - Any stockpiled material will be placed on plastic sheeting and covered with plastic sheeting to prevent spreading and mixing of materials.
 - Utility companies responsible for the relocation of facilities as part of the construction work in accordance with franchise agreements with the City will be required to provide their own monitoring program for the presence of hazardous materials during construction with all regulatory agencies.
- A-4. This facility shall comply with all requirements of the Fire Department prior to occupancy of the building with regard to fire safety, including the installation of an automatic fire extinguishing system (AFES), a smoke detection system with 24 hour monitoring, and special panic hardware for doors. The facility shall also use only non-combustible or flame retardant decorative materials within the interior spaces.
- A-5. The expansion of the convenience store will be subject to Citywide Development Impact Fees. The fees include fire protection, capital facilities and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected at time of building permit issuance.
- A-6. Trash and recyclables enclosure areas shall be maintained free of litter and any other undesirable materials. Recyclable materials shall not be allowed to accumulate such that a visual or public health and safety nuisance is created.
- A-7. Any signage will be subject to the separate review of the Development Services staff and shall follow the requirements as set forth in the Fremont Municipal Code, Sign Regulation. The applicant shall apply to Development Services for the appropriate permits.
- A-8. A lighting distribution and intensity plan shall be submitted to the Development Organization for review and approval. Lighting shall be arranged and directed so it does not create glare or spill beyond the property line.
- A-9. Roof mounted equipment shall be screened from view from public right-of-way and from adjacent properties.
- A-10. The site circulation and parking shall be reviewed for conformance with Article 20 of the Fremont Municipal Code during Development Organization Review and approval.
- A-11 A Tree Survey shall be submitted with the development Organization Application. At a minimum, the Tree Survey shall:
- a. Identify existing trees to remain
 - b. Provide botanical names and caliper of all trees.
 - c. Show preliminary utility layout to highlight potential conflicts that trenching may have with trees proposed for preservation.
 - d. Prior to any demolition or construction, all existing trees will receive tree protection measures noted in The City of Fremont Landscape Development Requirements and Policies and the Tree Preservation Ordinance. Provide tree protection measures on demolition, grading, and planting plans.

- A-12 After field verifying that new construction should not impact existing trees, all twelve existing trees, including one Liquidambar styracilflua in the right-of-way, on the site, are to remain.
- A-13. Along Doane Street, the applicant shall provide one 24" box Fraxinus americana in the City right-of-way.
- A-14 Along Grimmer Boulevard, the applicant shall provide two 24" box Pyrus calleryana in the City right-of-way.
- A-15. Along Grimmer Boulevard, the applicant shall provide one 24" box Olea europaea in the lawn area behind the property line.
- A-16. Applicant will need to upgrade or provide a new irrigation system.

Conditions to be Complied with During Construction:

- B-1. Construction activities shall be limited to the following hours of operation:
7 a.m. to 7 p.m. Monday through Friday
9 a.m. to 6 p.m. Saturday
No Construction Work shall occur on Sunday
A note to the effect shall be indicated on the permit plan set and a sign shall be posted on the project site listing the hours of operation.
- B-2. The applicant is responsible for insuring that all contractors are aware of all storm water quality measures contained in the Storm Water Pollution Prevention Plan (SWPPP).

Prior to Release of Building for Occupancy:

- C-1. The project architect/engineer shall submit a letter to the City certifying the building has been constructed in conformance to the approved architectural plan, subject to the review and approval of the Assistant City Manager.
- C-2. The project engineer-of-record shall submit a letter to the City certifying the site grading and drainage are in conformance with the approved grading and drainage plan subject to the review and approval of the Assistant City Manager.

Operational Maintenance:

- D-1. The property owner is responsible for contracting with recycling brokers for regular pick-up of recyclable materials. Recyclable materials should not be allowed to accumulate such that visual or public health or safety nuisance is created.
- D-2. The property owner shall be responsible for litter control and sweeping of all on-site paved surfaces. All on-site storm drains are to be cleaned immediately before the commencement of the rainy season (October 15).
- D-3. The applicant is responsible for the maintenance of all landscaping, and landscaping shall be designed with efficient irrigation to reduce runoff and promote surface filtration and to minimize the use of fertilizers, herbicides and pesticides, which can contribute to urban runoff pollution.

Alameda County Water District:

- E-1. Prior to any construction on the site, the Alameda County Water District shall be contact to determine if any on-site wells are going to be impacted as a result of the proposed expansion. A permit is required for the destruction of any monitoring well.

END OF CONDITIONS

Mitigation and Monitoring Plan (MMP) for 43250 Grimmer Boulevard (PLN2003-00206)

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status / Timing
Potential air quality impacts due to grading and construction	<p>To mitigate the identified air quality impacts of grading and construction, the following standard practices will be incorporated into the project at the time of development:</p> <ol style="list-style-type: none"> 1. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. 2. Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage. 3. Comply with the dust suppression measures set forth in the soil remediation plan approved by the County. 4. Paving shall be completed as soon as practicable to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be revegetated to minimize the generation of dust. 5. Designate a person to oversee the implementation of the dust control. 	Developer	City of Fremont Building Division	During site development work

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status / Timing
Potential impacts on hydrology and water quality	Standard water pollution and erosion control measures following <u>Best Management Practices</u> will be implemented to prevent runoff and sedimentation from entering the channel. Emphasizing storm water <u>Best Management Practices</u> (BMP) intends to achieve compliance with the goals of the Alameda Countywide Clean Water Program (ACCWP), in accordance with the Federal <u>National Pollutant Discharge Elimination System</u> (NPDES) program established by the Clean Water Act.	Developer	City of Fremont Engineering and Building Divisions	During site development work.
Potential impacts to cultural resources	Should any cultural resources be unearthed during site development work, the provisions of CEQA -Section 15064.5 (e) and (f) will be followed to reduce impacts to a non-significant level.	Developer	City of Fremont Building Dept.	During site development work
Potential Impacts from Hazards and Hazardous Materials	<p>To mitigate the identified impacts, the following mitigation measures will be incorporated into the project.</p> <ol style="list-style-type: none"> 1. The prime contractor awarded the construction work will be required to have State Hazardous Substance removal Certification in addition to their State Contractor's License. 2. During excavation work, the applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development. 	Developer	City of Fremont Planning, Fire, and Building Depts.	Prior to building occupancy and ongoing

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status / Timing
	<ol style="list-style-type: none"> 3. Any excavation material that is of a suspicious nature will be stockpiled on-site, samples will be taken by the consultant and tested for the presence of contaminants. Any excavated material that does not meet the requirements of the responsible regulatory agencies will be hauled off-site to an approved landfill. Any materials that meet the requirements of the regulatory agencies will be placed back in the work area and/or disposed off-site to a normal disposal/recycling facility. 4. Any stockpiled material will be placed on plastic sheeting and covered with plastic sheeting to prevent spreading and mixing of materials. 5. Utility companies responsible for the relocation of facilities as part of the construction work in accordance with franchise agreements with the City will be required to provide their own monitoring program for the presence of hazardous materials during construction with all regulatory agencies 6. The proposed development shall not impede any of the existing monitoring that is currently in place (monitoring wells). 			